REMARKS

Claims 19, 29, 59 and 68 have been cancelled. Claims 1, 11, 12, 13, 17, 26, 27, 30, 40, 41, 42, 48, 58, 76, 77, 81, 82, 83, 85, 94 and 102 have been amended. Claims 103 through 110 are newly presented. New subject matter has not been added.

Rejections under 35 U.S.C. §112

Claims 5, 34 and 62 stand rejected under §112, second paragraph, as being indefinate for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states that these claims all lack proper antecedent basis for "the electrode assembly". The claims have been amended to overcome this ground of rejection.

Rejections under 35 U.S.C. §102

Claims 1-4, 6-10, 14 and 15 are rejected under §102(b) as anticipated by Eggers.

Claims 1, 14, 25, 30, 43, 56-68, 71 and 84 are rejected under §102(b) as anticipated by Pomeranz.

Claims 1, 18-18, 21-23, 28-29 are rejected under §102(b) as anticipated by Negus et al.

Rejections under 35 U.S.C. §103

Claims 16, 45 and 73 stand rejected under §103(a) as being obvious over Eggers.

Claims 31-33, 35-39, 44, 59-61, 63-67 and 72 stand rejected under §103(a) as being obvious over Pomeranz et al.

Claims 30, 46, 47, 50-52, 56, 58, 74, 75, 78-80 and 84 stand rejected under §103(a) as being obvious over Negus et al. in view of Swanson et al.

Allowable Subject Matter

Applicant thanks the examiner for the indication that claims 11-13, 19, 20, 24, 26, 27, 40-42, 48, 49, 53-55, 68-70, 76, 77 and 81-83 would be allowable if rewritten in independent form including all of th elimitations of the base claim and any intervening claims, and that claims 5, 34 and 62 would be allowable if rewritten to overcome the §112 rejections and to include all of the limitations of the base claim and any intervening claims

These grounds of rejection are respectively traversed. The claims have been amended to overcome the rejections under Sections112, 102 and 103.

In one embodiment of the present invention, as set forth in claim 1, a handpiece, is provided that has a handpiece assembly including a handpiece housing. An insert is detachably coupled to the handpiece housing. The insert includes an RF electrode with a conductive portion and a dielectric between the conductive portion and a skin surface when the RF electrode is positioned at the skin. The positioning of the dielectric provides for passage of energy through the dielectric to the skin surface.

Eggers discloses an electrically powered endoscopic probe. The working surface of the probe is used to cause hemostatis of incised tissue or for directly coagulating masses. The probe has a working end with bipolar electrodes. A film, denoted as 47 can be applied as an adhesive-backed electircally insulating film, and can be made of polyimide. The polyimide is used as an insulator and does not provide for passage of energy through the dielectric to the skin surface. The polyimide serves only as an insulator.

Pomeranz, et al., discloses an endocardial mapping catherter used in chambers of the heart. An RF abalation catheter is provided. The RF is used to ablate tissue. There is no disclosure or suggestion in Pomeranz, et al., that a dielectric can be utilized to reduce edge currerent effects of an RF electrode. Pomeranz, et al., discloses an ablation device. The positioning of the dielectric to provide for passage of energy through the dielectric to the skin surface is not a concern with the Pomeranz, et al., device.

CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 39238-0753).

Respectfully submitted,

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Date: 7/30/04

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